

Approved: Marcia S. Cohen  
Marcia S. Cohen  
Assistant United States Attorney

Before: HONORABLE PAUL E. DAVISON  
United States Magistrate Judge  
Southern District of New York

- - - - - x COMPLAINT  
:  
UNITED STATES OF AMERICA : Violation of  
:  
-v.- : 18 U.S.C. § 2422(b)  
:  
FRANKLIN PUGO, : COUNTY OF OFFENSE:  
:  
Defendant. : Westchester County  
:  
18m10901  
- - - - - x

SOUTHERN DISTRICT OF NEW YORK, ss.:

MOISES HASSELL, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI") and charges as follows:

COUNT ONE

Between at least on or about October 10, 2018 up to and including in or about November 29, 2018, in the Southern District of New York and elsewhere, FRANKLIN PUGO, the defendant, using facilities and means of interstate and foreign commerce, unlawfully, willfully, and knowingly persuaded, induced, and enticed, and attempted to persuade, induce, and entice, an individual who had not attained the age of 18 years to engage in a sexual activity for which a person can be charged, to wit, FRANKLIN PUGO, the defendant, in text communications, persuaded and attempted to persuade, induce, and entice a minor ("Victim-1") to engage in sexual activities with PUGO.

(Title 18, United States Code, Section 2422(b).)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI"), assigned to the FBI Westchester Resident Agency. I have been a Special Agent with the FBI since March 2018. I have participated in investigations involving crimes against children, including the receipt, possession, and/or distribution of child pornography by electronic means, sexual exploitation, and enticement of minors. I have gained expertise in these areas through training and daily work related to conducting these types of investigations.

2. I have been personally involved in the investigation of this matter. This affidavit is based upon my conversations with law enforcement officers and others, and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. In or about December 2018, the FBI received information from the Westchester County Department of Social Services concerning a report from a female minor ("Victim-1") concerning sexual contact with an adult male.

4. On or about December 20, 2018, Victim-1 participated in a forensic interview by an employee of the FBI. At the time of the interview, Victim-1 had just turned 16 years old. I watched and listened to portions of the interview as it occurred. In addition, I have spoken to another FBI agent ("Agent-1") who observed the majority of the interview. Agent-1 also spoke to Victim-1 following the interview. Based on my observations of the interview and my conversations with Agent-1 concerning Agent-1's observation of the interview and Agent-1's additional conversation with Victim-1 following the interview, I am aware that Victim-1 advised the following:

- a. Victim-1 met FRANKLIN PUGO, the defendant, in or about 2015. At that time, Victim-1 was approximately 12 years old.
- b. Between in or about 2015 and in or about October 2018, PUGO engaged in sexual intercourse with Victim-1 on

multiple occasions in Westchester County, New York. The sex occurred at Victim-1's residence, at PUGO's current residence in Westchester County, New York, for which Victim-1 provided the address ("Residence-1"), and at a residence at which PUGO lived before he moved to his current residence. Victim-1 was approximately 13 years-old the first time PUGO engaged in sexual intercourse with Victim-1.

- c. In or about October 2018, PUGO engaged in sexual intercourse with Victim-1 in his bedroom at Residence-1.
- d. Victim-1 and FRANKLIN PUGO, the defendant, communicated in a number of ways, including via phone calls, text messages, Snapchat, and Facebook messaging.
- e. On a number of occasions in approximately 2014 and/or 2015, PUGO sent Victim-1 photos of PUGO's penis via Facebook. Victim-1 deleted the photos upon receipt.
- f. On at least one occasion, following sexual intercourse between Victim-1 and PUGO, PUGO gave Victim-1 a Plan B pill and instructed her to take it. Victim-1 understood that he gave her the pill to avoid pregnancy.
- g. On one occasion, PUGO told Victim-1 that he had kept a bra of hers and he sent her a picture of the bra. The bra was light blue.
- h. On various occasions, PUGO gave Victim-1 gifts. These gifts included candy, bracelets, and a sweater.

5. In December 2018, Victim-1 provided the FBI with the cellphone Victim-1 used when communicating with FRANKLIN PUGO, the defendant ("Phone-1"). An FBI employee trained in the review and extraction of digital evidence examined Phone-1 and extracted material from Phone-1. I have reviewed a portion of the material extracted from Phone-1. The extracted material includes thousands of text messages between Phone-1 and a telephone number ending in 3378 (the "3378-Phone") from in or about October 10, 2018 to in or about December 4, 2018. The majority of these texts are in Spanish. Some of the texts are in English and some of the messages contain a combination of

English and Spanish. I am a native fluent Spanish speaker and I am able to understand the communications.

6. During the forensic interview on December 20, 2018, the interviewer showed Victim-1 several of the text messages between Phone-1 and the 3378-Phone. Victim-1 advised that the 3378-Phone belonged to FRANKLIN PUGO, the defendant, and that the communications between Phone-1 and the 3378-Phone were between Victim-1 and FRANKLIN PUGO, the defendant.

7. The text communications between Phone-1 and the 3378-Phone contain numerous instances in which FRANKLIN PUGO, the defendant, indicated his desire to meet Victim-1 to engage in sexual activity with Victim-1, requested that Victim-1 meet with him and/or referred to prior instances in which he had engaged in sexual activity with Victim-1. For example:

- a. On October 10, 2018, at approximately 10:25 p.m., the 3378-Phone asked, in sum and substance, "Do you want me to come over?" Phone-1 responded, "No love, I'm good, thank you." Later, at 10:49 p.m., the 3378-Phone said, "I miss you love. I want to hug you, kiss you and feel your body." Phone-1 responded, "Love, we'll see each other tomorrow, I promise." 3378-Phone said, "OK, love, I'll wait for you." Phone-1 said, "Have no worries, I'll be there."
- b. On or about October 21, 2018, at approximately 8:06 p.m., the 3378-Phone said, in sum and substance, "I already told you tonight you come out no matter how.. I want to see you tonight and speak to you." The 3378-Phone added, "You ask everyone for money but I'm your boyfriend and you don't ask me.. You would tell me not to spend on you because you don't need it.. bullshit." A minute later, the 3378-Phone said, "Your parents are not there come out now or at 11 pm you come out.. You chose okay.. Now and I won't bother you anymore." Phone-1 responded, "My parents are home rn" and then "I'm not going to be able to later." The 3378-Phone responded, "I don't care [Victim-1's name].. You come out and see how you come out."
- c. On or about October 21, 2018, at approximately 10:16 p.m., the 3378-Phone said, in sum and substance, "I want to speak to you and see you face to face and tell you some things." The 3378-Phone said, "OK, 11 pm,

come out." Phone-1 responded, "You'll get in trouble." 3378-Phone said, "Wow. I had sex with you."

- d. On or about October 22, 2018, at approximately 12:03 a.m., the 3378-Phone said, in sum and substance, "I had told my friends that I had a girlfriend that was 17 years old... although you're 15.. and they told me to be careful.. when you are 18 you would be able to go out with her."
- e. On or about October 24, 2018, Phone-1 told the 3378-Phone, in sum and substance, that "you didn't have to be so aggressive." 3378-Phone responded that "I acted like that because I wanted to have sex so badly." Phone-1 responded that it was "disrespectful" and the 3378-Phone said "I already said I was sorry."
- f. On or about October 29, 2018, at approximately 8:14 p.m., the 3378-Phone said, "Look love." Then the 3378-Phone sent Phone-1 a photo of what appears to be the back of a package containing the "Plan B One-Step" pill. The 3378-Phone then said, "This is how I leave... the sooner the better. Ha Ha Ha." Phone-1 responded, "Dammit, three days." The 3378-Phone said, "Nope... but better today. Make sure to take it." Phone-1 asked, "But when." The 3378-Phone responded, "When your parents are asleep or if you want, tomorrow morning." Phone-1 responded, "Tomorrow."
- g. On or about November 1, 2018, at approximately 6:17 p.m., the 3378-Phone said, in sum and substance, "I need you love" and "Come love... I want a hug and I want to be able to lie on your chest." The 3378-Phone repeated that "I need you" and "please don't leave me by myself."
- h. On November 1, 2018, at approximately 7:31 pm, the 3378-Phone asked Phone-1 if she had gotten her period. Phone-1 said yes. The 3378-Phone asked when. Phone-1 said, "I don't remember." 3378-Phone said, "Remember."
- i. On November 1, 2018, at approximately 7:52 p.m., the 3378-Phone said, in sum and substance, "I hate condoms that takes away all the emotion and I don't get hard." The 3378-Phone said it is not the same. Phone-1 responded, "Lmao. I'm sorry but you gotta to deal with

it." The 3378-Phone said, "We don't want problems." The 3378-Phone then asked, "And what did you do with the condom?" Phone-1 said, "I still have it." 3378-Phone replied, "Either way if I finish inside I'll give you the pill." Victim-1 replied, "No no more."

j. On November 14, 2018, at approximately 8:29 a.m., the 3378-Phone said, in sum and substance, "After detention come.. tell them that you forgot your homework and you will come back." Phone-1 responded, "Bruh they won't believe me." Several minutes later, Phone-1 said, "I have geometry tomorrow and I doubt that they will let me leave." The 3378-Phone said, "Try." Then, the 3378-Phone said, "Or make believe that you're sick.. Make believe that you have a headache that way they'll send you."

k. On November 29, 2018, at approximately 9:21 a.m., the 3378-Phone asked, "Why did you not come?" At 9:22 a.m., Phone-1 responded, "I'm in school duhh." The 3378-Phone said, "Come now." At 10:13 a.m., Phone-1 responded, "Nope." At 11:00 a.m., the 3378-Phone responded, "You're bad." At 11:24, Phone-1 responded, "Thanks" with a smiley face emoji.

l. On November 29, 2018, at approximately 12:28 p.m., the 3378-Phone asked, "Hey did you find out which day you are going to come for your gift.. the 13th or 17th?" Phone-1 responded, "The 13th."

8. The Communications between the 3378-Phone and Phone-1 include at least five photos ("Five Photos") sent by the 3378-Phone to Phone-1 that depict the face of what appears to be the same adult male. In several of the photos, the male's neck is visible and a tattoo of a crown appears on the left side of his neck. On or about December 21, 2018, Agent-1 and I met with Victim-1 and showed her the Five Photos. Victim-1 identified the individual pictured in the photos as FRANKLIN PUGO, the defendant.

9. I have reviewed records from the New York State Department of Motor Vehicles, which include a driver's license photo of "Franklin V. Pugo." ("Pugo Photo"). The "Franklin V. Pugo" depicted in the driver's license photo appears to be the same individual who appears in the Five Photos. On December 21, 2018, Agent-1 and I showed Victim-1 the Pugo Photo and Victim-1 confirmed that the Pugo Photo depicts FRANKLIN PUGO, the



defendant. Based on my review of the Department of Motor Vehicle records, I am aware that FRANKLIN PUGO, the defendant, was born in 1987 and is currently 31 years old.

10. Based on my conversations with a police officer with the Sleepy Hollow Police Department ("Officer-1"), I am aware that Officer-1 went to Residence-1 on December 21, 2018. Officer-1 knocked on the door to Residence-1 and, when a male answered the door, Officer-1 asked for "Franklin Pugo." The male who answered the door said that Pugo was sleeping and indicated that he would go to get him. Thereafter, FRANKLIN PUGO, the defendant, appeared and confirmed his identity. According to Officer-1, who was provided with one of the Five Photos ("Photo-1"), the person who appeared at the door was the same person as the person depicted in Photo-1.

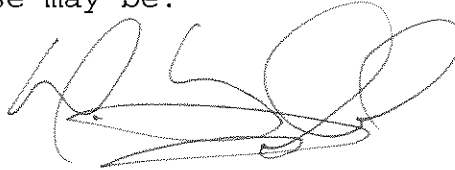
11. Based on my participation in this investigation, and on information obtained from a court-authorized search warrant executed on December 27, 2018 at Residence-1 (the "Search Warrant"), I know, among other things, the following:

- a. FRANKLIN PUGO, the defendant, resides in Residence-1 and was present in Residence-1 when I and other FBI agents arrived to execute the Search Warrant.
- b. During the execution of the Search Warrant at Residence-1, I and other FBI agents interviewed FRANKLIN PUGO, the defendant. At the beginning of the interview, I informed PUGO of his *Miranda* rights. PUGO acknowledged that he understood his *Miranda* rights and signed a form acknowledging his understanding. He proceeded to make the following voluntary statements, among others, in substance and in part:
  - i. PUGO resides in Residence-1.
  - ii. PUGO knew that Victim-1 had not attained the age of 18 years.
  - iii. PUGO engaged in sexual intercourse with Victim-1 on approximately three to five occasions, including once in or around February 2018 when PUGO gave Victim-1 gifts from Ecuador, they had sexual intercourse, and Victim-1 went to school afterwards, and once in or around late October 2018, when, following sexual intercourse

between Victim-1 and PUGO, PUGO gave Victim-1 a Plan B pill and instructed her to take it.

iv. PUGO sent to Victim-1 approximately two to four pictures of his penis.

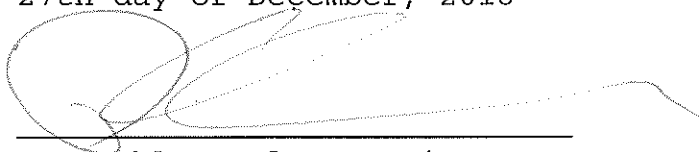
WHEREFORE, deponent prays that the above-named defendant be imprisoned or bailed as the case may be.



---

MOISES HASSELL  
Special Agent  
Federal Bureau of Investigation

Sworn to before me this  
27th day of December, 2018



---

Honorable Paul E. Davison  
United States Magistrate Judge